

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RYAN DORGAN,

Plaintiff,

-against-

FIRST KLASS BREAKFAST, LLC,

Defendant.

Case No. 1:20-cv-04253 (JLR)

**NOTICE TO DEFENDANT**

JENNIFER L. ROCHON, United States District Judge:

**A Lawsuit Has Been Filed Against You**

Plaintiff Ryan Dorgan has started a lawsuit against First Klass Breakfast, LLC. You are receiving this notice as the Defendant.

Plaintiff alleges that you copied and displayed his copyrighted photograph without permission on your commercial website. Plaintiff is seeking damages in the thousands of dollars. Plaintiff also claims that you have received written notice of this lawsuit. You are receiving this notice because you have not answered or otherwise responded to the Court about the Plaintiff's allegations.

**If You Do Not Respond to the Lawsuit, A Judgment May Be Filed Against You**

Plaintiff has asked the Court to enter a default judgment in its favor against you. A default judgment is a final ruling in a case because a defendant has failed to take action. Plaintiff has asked the Court to conclude: (1) that you do not oppose Plaintiff's allegations; and (2) that Plaintiff is entitled to statutory damages of five thousand dollars, as well as costs and interest. If you continue to fail to participate, the Court may grant Plaintiff's request and enter the default judgment against you. A judgment is a public record with significant potential consequences against you, particularly if you do not pay the judgment. Plaintiff may use the following legal tools to

ensure payment of an unpaid judgment: (1) attachment (a court order seizing property), (2) imposition of a lien (giving a legal right to one's property until a debt has been paid) or garnishment (ordering someone holding funds on behalf of a defendant, such as an employer or a bank, to pay debts directly to the plaintiff to satisfy the judgement).

**You May Still Respond to the Lawsuit**

The Court has not granted the default judgment against you yet. You still have an opportunity to respond to the lawsuit. Enclosed is an order scheduling a Hearing for **January 18, 2023 at 12:00 p.m. (Eastern Time)** to discuss Plaintiff's motion asking the Court to enter default judgment against you. You may participate in the conference by appearing at Courtroom 20B at Daniel P. Moynihan United States Courthouse, 500 Pearl Street, New York, NY, 10007. You may also have a lawyer appear for you.

**Corporate Defendants**

Defendants are cautioned that corporate entities may appear in federal court only through licensed counsel, *see Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007), and where such an entity "repeatedly fails to appear by counsel, a default judgment may be entered against it," *Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006) (internal quotation marks omitted).

**Opposition Requested**

As stated in the related Order issued today, you are directed to promptly notify the Court. If you choose to contact the Court or file an opposition, you may state whether you received notice about the lawsuit prior to this Notice, or your factual and legal objections to Plaintiff's claims. If you did not receive a copy of the complaint, you may request one from Plaintiff's lawyer, whose information is at the end of this Notice, or the Clerk of Court. If you decide to contact the Court, you must do so by **January 4, 2023**. Any letter to the Court

should clearly list the following case name and number: Dorgan v. First Klass Breakfast, LLC, Case No. 1:20-cv-04253.

You can mail or deliver the letter to:

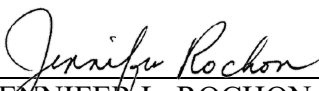
United States District Court for the Southern District of New York  
Attn: Clerk's Office / Judge Rochon  
500 Pearl Street  
New York, New York 1007

**Service**

It is further ORDERED that Plaintiffs serve Defendants with (1) a copy of the motion for default judgment and all supporting papers; (2) a copy of this Order; and (3) a full docket Sheet **within two business days of the filing of this Order**. Within **two business days of service**, Plaintiffs must file proof of such service on the docket.

Dated: December 16, 2022  
New York, New York

SO ORDERED.

  
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JENNIFER L. ROCHON  
United States District Judge

Plaintiff's Counsel

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